

**CONSERVATION COMMISSION**  
**MINUTES OF THE MEETING**  
**WEDNESDAY, APRIL 18, 2007 – 7:00 PM**  
**CATA CONFERENCE ROOM**  
**3 POND ROAD**  
**MAX SCHENK, CHAIRMAN**

**MEMBERS PRESENT**

Max Schenk  
Charlie Anderson  
William Febiger  
Robert Gulla  
Arthur Socolow  
Ann Jo Jackson  
John Feener

**MEMBERS ABSENT**

**STAFF PRESENT**

Nancy Ryder, Conservation Agent  
Carol Gray, Recording Clerk

Mr. Max Schenk, Chairman of the Gloucester Conservation Commission requests a moment of silence for Ms. Louise Bramhall, a Gloucester resident, a great conservationist and a special person.

The Agenda was read by Mr. Max Schenk, Chairman.

Mr. Socolow arrives at 7:10 PM.

Ms. Ryder asks that the Commission keep in mind that there are 8 new filings for the next meeting so continuations and times have to be considered.

**ATLANTIC STREET – City of Gloucester**

The Agent notes that this has already been approved with signatures needed this evening. Signed by all members present.

Mr. Schenk notes a newsletter which is the guide for the Greenscapes Program stating the publication has quite a bit of great information and encourages the Commission and general public to take a look at it.

**WINGAERSHEEK UPPER BEACH ASSOCIATES**

The Agent notes that this had already been approved at the last meeting and read notes regarding the approval. This plan is to be signed by all members present.

Ms. Ryder noted the conditions in regards to the storing of machinery, non invasive, no sand or dune parking, approval from the Engineering Dept. before the start of work and speed bumps to be installed and removed during the winter months.

**MOTION:** Mr. Gulla moves for approval of the decision.

**SECOND:** Mr. Anderson      **VOTE:** 7-0

**BASS AVENUE (2, 4, 4R, 6, 6A, 8, 10 & 14)**

This matter was approved at the last meeting.

Mr. William Cox, for the applicant has some points and/or questions for the Commission

Re: Page 2 Section B of the findings: a clarification as to why salt marsh is included.

The Agent notes the reason is because a salt marsh is present at the location.

Page 9 General Conditions 28: Mr. Cox inquires as to the expiration date being 1 year from the conditions and the Agent notes that it is the expiration date of the extension.

Special Condition no. 1: Mr. Cox comments on the swales and the Agent notes that it can be changed to read "in front of" the swales.

No. 3 Mr. Cox notes that it is stated that the seasonal maintenance plan is to be submitted and he states that the submission has already been done and that it provides for that.

The Agent notes that maintenance also consists of plantings, street sweeping and snow removal.

Mr. Schenk this is to check on the mortality rate of the plantings and plantings to be replaced if needed.

Ms. Ryder reads the statement of reason and notes 4 conditions.

A vote on the decision was requested and acceptance of the OoC as amended.

MOTION: Mr. Gulla moves to approve

SECOND: Mr. Anderson      ABSTAIN: Mr. Febiger and Mr. Socolow

VOTE: 5-0

Mr. Schenk notes that this is the time for PUBLIC COMMENT regarding any issues not on the agenda for this evening. No public comment.

Mr. Socolow inquired as to shops selling multi flora. Ms. Ryder stated that they can sell what they have but cannot import any new ones for sale.

**KONDELIN ROAD** (Map 197, Lot 9)

Gloucester EDIC to remove deposited gravel and trash rack at the culvert inlet and install a beaver flow device at the culvert inlet and outlet.

There is a request for continuation.

MOTION: Ms. Ann Jo Jackson moves to continue the matter to 5/16/07 7:30 PM

SECOND: Mr. Febiger      VOTE: 7-0 all in favor

**33 EMERSON AVENUE** (Map 21, Lot 8)

Dunfudgin LLC to construct a commercial building, parking area and utility connection.

Mr. William Manuell rep. the applicant states that this is refilling of a project that was approved by the GCC in 2003. DEP no. 28-1507. Extension was issued for removal of a portion of granite in regards to the parking.

A new NoI and Mr. Manuell is requesting that the GCC issue the extension from the last OoC.

He further notes that it was stated that this would be the last extension but would like this further extension. Ms. Ryder notes that the extension has already been approved.

The refiling is due to the fact that regulations are in effect that were not previously noted.

Ms. Ryder notes the river front area and mean high water at a very steep bank.

She further notes that Dr Peter Rosen came up with that line, (92-1) of demarcation. Shown on the plan, 100 ft. buffer zone from that line bordering vegetative wetland, a pond and marsh system through the existing pipe to the Wetland.

Mr. Manuell notes the plan and the BVW stating none of the work is in that area.

There is parking within 20 ft of the edge of the BVW.

There will be some removal of ledge and erosion control is to be in place. Sediment migration is limited. Originally a detention basin was noted for the plan and the Eng. Dept. is working out the drainage plan and this being just barely in the river front area. The top of ledge was noted on the plan and the work being landward side.

The river front area being totally in tact and the object of the project is to leave in tact. Trees were noted and that the area is quite stark and to be left the way it is. Impacted would still be 11, 000 sq. ft. of riverfront area. Allowance of up to 10 % alteration of river front and this project is at 9.2. Nothing can be moved out any further and the area is to be left in a natural state. He further states that there is not a lot of area on the site for meaningful mitigation. Areas noted on the plan: F4, F3 and F1. It was further noted that Bittersweet vine is all through the canopy.

There was a suggestion that mitigation be offsite with donations possibly for supplies, monies, etc.

Mr. Socolow inquired as to how many feet of area we are discussing.

Ms. Ryder notes that it would be 11,000 sq. ft. and if the mitigation were to be offsite then it would be 2 to 1 and 22,000 sq. ft. The section allows looking offsite to restore river front with 2 to 1 mitigation.

The drainage was discussed noting a detaining type system to be changed to a more pervious. Re: Parking space, crushed stone was noted and that the elevated building allows for parking underneath.

Mr. Manuell notes in regards to the refileing for the previous project this design was done with forethought to minimize impact to the river front.

Mr. Anderson notes that he worked on Emerson Ave. for 10 or 12 years and observed that site for years and states that if he cannot make an objective decision he will not recuse himself but will abstain.

Mr. Febiger asked if the parking area had changed and Mr. Manuell stated that there are a minimal number of parking spaces for this project, with additional parking a small amount of ledge would be cut.

Ms. Ryder notes in regards to the 10% allowance, that is discretionary and not a right. Replication failed again and Mr. Manuell to do the replication area again.

She further agrees that there is not a lot of space for onsite mitigation and encouraging offsite mitigation and that this is an ideal for the application of offsite mitigation.

The storm water management is under review with the Eng. Dept. and lots of ledge to be worked out with the Eng. Dept. as well.

Mr. Socolow inquired as to exactly what is being affected and was told 11, 000 sq. ft regarding the building and he further asked about the alternate location for mitigation.

Ms. Ryder notes that this is under discussion.

Mr. Socolow notes that he not amenable to it unless the proposed area has the same characteristics of this site and he will not accept anything that is not comparable.

Ms. Ryder has no opinion as to the location as it is up to the Commission. Mr. Schenk states that if we move forward with this how will we handle the mitigation. Should this be done at another time?

Ms. Ryder notes that a bit of guidance with this issue would be helpful.

Mr. Socolow inquired as to what the basic proposal is of this site.

Mr. Gulla states that it is about a building on piers.

Ms. Ryder notes that the permit is valid but is about to expire and there is a need for refiling.

Mr. Socolow notes that the idea of buying replication turns him off.

Mr. Manuell states that a good job was done re: the design and was pulled back as far away as possible. Site work has commenced and the building is to be placed at the approved location. The Agent, the applicant and Mr. Manuell did a site visit. Exposed bedrock was seen. Mr. Manuell again states that he would like to keep the river front area the way it is, leaving it natural and going offsite doing mitigation in a different place.

Mr. Manuell notes the building and the footprint on the plan.

Ms. Ryder notes that the original permit did not have the mitigation requirements but now it is 2 to 1 and has to meet current standards.

Mr. Gulla asked what this would be used for and Mr. Manuell stated it would be used for commercial use with parking under the building.

Mr. Anderson notes that as a child it was Rocky Mountain and now there is no mountain now. He further notes that due the site preparation, damage may have already occurred. He feels that offsite mitigation may be better at this point.

Mr. Socolow asked if the site preparation is noted as a condition for approval and the Agent stated yes, a revised same project under new process.

Mr. Febiger noted offsite and the Annisquam River. It was asked why the replication of the Wetlands has failed twice already.

Mr. Schenk equates it to square peg/round hole. Trying to use ornamentals was just not working. Mr. Febiger asks if this can be solved and Mr. Manuell stated that he would look into it.

Ms. Ann Jo Jackson stated that she concurs with Mr. Febiger re: preference given to the Annisquam River.

Mr. John Feener asked if there was signage regarding the Wetland area and Mr. Manuell stated that a barrier is in place.

**PUBLIC COMMENT:**

Mr. Steven Golden 14 Hodgkins Street states that he agrees with the Agent regarding the 10% being discretionary and not a right. He states that this is a self imposed hardship. The City of Gloucester had ownership for over 300 years until 1956 when it was sold for \$1000.00. He states that Wetland was filled in and that this is an important area to the City of Gloucester. He feels that the City did not get a good deal. He notes Mac Bell and the selling of the property again in 1975 and sold again in 2001 to the school for over 3 million dollars. He feels the applicant does not have to build in that area. He feels it is shameful to fill in the pond. Adverse impact has been created and the delineation has run out. Every few months fresh fill is being brought in and this has been happening over the course of a number of years.

Mr. Schenk notes to Mr. Golden and all present that any statements should be in writing and submitted to the Cons. Comm. office

It was further commented that the GCC needs to go back and research and investigate to get a true delineation and that illegal fill and destruction of resource areas is not a frivolous issue.

Ms. Ryder reads from a document composed by Mike, an intern from Merrimack College. She reads his comments in regards to the site and states that the information he has gathered is useful information.

Mr. Manuell stated that he has reflagged the Wetland boundaries.

Mr. Schenk suggested that the GCC take a look at the area as there have been an extensive amount of work done in the area.

Ms. Ryder asks Mr. Manuell if reasonable guidance has been taken in regards to mitigation and Mr. Manuell stated yes, but he would like to meet with Ms. Ryder and the applicant.

Ms. Ryder notes that herself as well as Dave Sargent, Jim Kaulkett and Mat are all to be involved.

Mr. Febiger notes a small stream in regards to mitigation.

Ms. Ryder notes that you cannot mitigate in kind in that area. Because of the ledge it would not make sense.

MOTION: Ms. Ann Jo Jackson moves to continue the matter to 05/02/07 8PM for discussion re: site visit, mitigation and input from the Eng. Dept.

SECOND: Mr. Socolow      VOTE: 7-0 all in favor

#### **ATLANTIC STREET** (246, Lot 50)

Brooks Road Association to repair and improve existing walkway and floats on Atlantic Ave.

Mr. Manuell representing the applicant states that the floats on site have been there for 60 years and discussed bringing the floats into compliance now. He presented a plan for the GCC to review. Re: compliance Mr. Manuell discussed the walkway and floats and a way to elevate them off of the mud flats.

He has had several meetings with different agencies. They will be elevated over any Wetland or salt marsh area which these areas were pointed out on the plan for the Commission. He further stated that the floats will have a proposed system of arms to support crafts that may use it. He states that we can undue several decades worth of impact.

Ms. Ryder notes that regarding the existing use of the floats, a review was done 3 years ago and this one came up in violation. The Brooks Road Assoc. is working on this to be in compliance with Shellfish. There is no feedback from the Legal Dept. as of yet and we are awaiting something in writing. This is also under review with Nat. Heritage.

Jim, Dave and the applicant discussed the moorings and an agreement was made.

DEP – no issues.

Mr. Febiger asked how the moorings would be removed and Mr. Manuell stated that blocks would be removed, this done in a linear fashion in different locations.

Mr. Gulla inquired as to the existing state of this and what will remain.

Ms. Ryder notes nothing would remain and that all is to be done by hand.

Mr. Gulla inquired as to machinery being used and Mr. Manuell stated that it would either be done by hand digging or by a machine which is a 1 person vibratory pile driver with no digging whatsoever.

Mr. Anderson inquired as to the standoff height and was told standoffs at 30 inches.

**PUBLIC COMMENT:**

Six members of the public in attendance noted that they are in favor with a show of hands.

Mr. Schenk notes that this should be continued as we need comments from the Legal Dept. as well as the review from Nat. Heritage.

Mr. Febiger noted the whereabouts of the floats for storage off season.

Mr. Anderson noted that the plan would be an improvement.

Conditions: Approval from Nat. Heritage as well as the Legal Dept. and others.

All work to be done by hand.

Review of the types of natural non invasive planting.

Upland storage of floats and moorings further out in the channel.

**MOTION:** Mr. Anderson moves to approve with conditions.

**SECOND:** Ms. Jackson                      **VOTE:** 7-0

**16 HESPERUS CIRCLE** (Map 189, Lot 53)

Dean MacFarland to construct and in ground swimming pool and associated landscaping.

Mr. Manuell representing the applicant.

Kate Wiggins, landscape designer.

Mr. Manuell discusses the plan with the Commission noting the land and work to be done which would be the proposed construction of an in ground pool, a concrete deck and a walkway.

He feels this is a fairly simple project. Their will be excavation regarding the pool and Kate would be designing the landscaping around the area. This work will be done in the buffer zone to the coastal bank.

He states that digging for the pool will not have an affect on the exposed existing bedrock but their may be some blasting involved.

He noted a trench, gravel fill and a concrete deck.

He further noted the collecting, storing and recharging of storm water at a rate of 60 minutes per inch.

Ms. Ryder asked that he submit the storm water calculations.

Mr. Schenk inquired as to where the pool would be drained and Mr. Manuell stated that if they needed to drain the pool it is a cartridge type device and a water truck would be used. Mr. Schenk noted that this information should be listed in the conditions.

Mr. Socolow inquired about the materials during excavation and Mr. Manuell stated that they onsite will be only what they use and what they don't use will be taken off site.

Ms. Ryder notes that blasting is forbidden and not permitted and that the GCC needs to know now if blasting is proposed and that more information is needed.

She states that this is right on the coastal bank. Mr. Manuell states that this is a highly regulated area and would be surveyed. He further states that a blaster would evaluate the area and determine the charge used. The energy of the blast to be more upward more than lateral. Ms. Ryder asks that this information be in writing and submitted.

Mr. Gulla inquired as to the state of the sea wall and Ms. Ryder notes that it is pretty solid. Mr. Manuell states it is a masonry wall.

Mr. Manuell notes that 1800 sq. ft. of impervious has been added and that there is a tremendous amount of thickly vegetated buffer.

Mr. Febiger inquired as to the vegetation at the ocean front and Mr. Manuell stated that it is low ground cover.

Ms. Ryder notes the area adjacent to the seawall and personally she would like to see more vegetative buffer added as well as noting her approval of the addition of swales. She notes Mr. Hale stating that this meets local and state regulations.

Dave Sargent has no issues.

Mr. Febiger inquired as to the location of the swales on the plan and Mr. Manuell notes that they are highlighted on the plan in blue.

Mr. Gulla states that they are being called swales but near to being a recharged trench.

Mr. Feener questioned the runoff from the beds and Mr. Manuell stated that he would be raising it up a bit.

PUBLIC COMMENT:

Ms. Jo Taylor 14 Hesperus Circle notes that the pre existing deck is from the 1920's. She further states that even in clear weather they have standing water with a question of a smell of sewerage. She further questions any additional runoff.

Mr. Schenk notes that setback requests are a Planning Board issue.

Mr. Manuell states that the intention is not to direct any water off the site and that the water is to be redirected back onto the property. He further states the intent is to raise it about a foot.

Mr. Schenk notes that the Board of Health should be notified regarding the sewerage smell.

Dianne \*\*\*\*\* 186 Hesperus stated that her pool was built in the 1930's and cannot take the blasting. She notes the fact that they have a beautiful seawall which was lost in 1978 and again in 1991. She feels the wall will be weakened by blasting.

Mr. Manuell explains the blasting process re: the charge, blasters velocity, etc.

Dianne notes the fact that her pool is cement and on ledge. The last time blasting was done in the area there was a rat problem. She feels there are many issues with this plan as this is a fragile area with many old homes. She states that she has standing water in her yard and has maps showing water traveling on ledge.

Mr. Manuell stated that a blasting protocol will be submitted as well as having a survey done regarding pest control.

Mr. Gulla noted that this should be submitted in writing. Mr. Schenk notes the same re: submissions in writing.

Ms. Jo Taylor states that she had a survey done of her property with one result being the Flood Zone through FEMA being No. 2.

Conditions: Drain the pool upland with a truck taking it away, 2 week stand of pool, 1800 sq. ft. of impervious added, pre blasting survey in writing, all water re: drainage to be directed away from ledges to property, pre blasting survey and pest control survey to be done and submitted.

Ms. Ryder notes that there is no response from DEP.

MOTION: Mr. Socolow moves to continue the matter awaiting a DEP no.  
to 05/02/07 7:05 PM

SECOND: Mr. Febiger

VOTE: 7-0 all in favor

**33 TWO PENNY LANE** (Map 260, Lot 24)

Standish MacFarland to raze a dwelling and rebuild a single family home.

Mr. Gulla – recused.

Mr. Manuell representing the applicant states that this is a removal of an existing house and rebuilding of a new home, noted in grey on the plan. The house will be taken down to the existing foundation. He notes that the foundation is sound and the building is shot. The owner of the property has had a stroke and confined to a wheelchair. He notes that wheelchair ramps will not work on this site.

Mr. Schenk inquires as to what if a power outage should occur and Mr. Manuell states that a proposed generator is to be installed.

Mr. Manuell states that there is no increase of the footprint. He states that the home would be raised 2 ft. to match the elevation of the existing ground floor. The garage is to be elevated with a ramp 2ft., this being above the dune surface. He points out two trees, one being saved at the garage area and another that will probably come down.

Mr. Manuell discussed the garage construction noting a pile driver to be used, boom out, and have it drive down and not near to the Wetland. A silt fence is to be in place and orange construction fencing in place as well. He will impress this upon the builder. Work is to be limited to the structure and only a few feet beyond.

He then discussed the resource area noting the dunes and this not being on a barrier beach. ACEC elevation 10. This is out of the upland edge in the buffer zone but limited to the existing house footprint. He feels this is a run of the mill project.

Ms. Ryder notes that there is no DEP no. as of yet. She further notes this being wedged between dunes and Wetland and this is a no construction zone, no work zone, no stockpiling and no trucks on site. She further states that there is barely enough room for a dumpster. She feels this is a detailed construction site and suggests these issues be listed as conditions for acceptance of the plan. She further notes a 3<sup>rd</sup> party may be in order to regularly monitor the construction.

Mr. Socolow inquired as to the elevated garage with Mr. Manuell explaining that the garage would be elevated and on piles, like a bridge with reinforced concrete and space underneath. Elevation 2 ft.

Mr. Febiger notes the existing parking area, stating it is listed as proposed and close to the Wetland.

Ms. Ryder discusses a vegetative buffer along the 2 Wetland areas and mitigation regarding the wind scoured dunes.

Mr. Socolow inquired as to a ramp for cars and Mr. Manuell states that it will be a steel grate.

PUBLIC COMMENT: none

Mr. Schenk notes that a DEP no. is needed and notes the above mentioned conditions including a strong limit of work, the monitoring, etc.

Ms. Ann Jo Jackson notes that more information is needed regarding mitigation.

Mr. Febiger inquired as to beach access.



Ms. Ryder states that there is a natural low area where people can walk to the beach. There is no footpath. There is riverfront property within this but no structures.

MOTION: Ms. Jackson moves to continue the matter to 05/02/07 for the DEP no. as well as the aforementioned concerns and conditions.

SECOND: Mr. Anderson

VOTE: 6-0 all in favor

**54-56 WOODWARD AVENUE** (Map 219, Lots 109 & 110)

Thomas Lorden to construct a dwelling with associated parking, grading and utilities. There is a request for a continuation.

MOTION: Mr. Socolow moves to continue the matter to 05/02/07 8PM

SECOND: Mr. Febiger

VOTE: 7-0 all in favor

**362 MAGNOLIA AVENUE** (Map 213, Lot 13)

John Korthas to construct a boulder wall.

There is a request for continuation.

MOTION: Ms. Jackson moves to continue the matter to 05/16/07.

SECOND: Mr. Febiger

VOTE: 7-0 all in favor

Mr. Schenk requests a 5 minute recess.

MOTION: Mr. Anderson    SECOND: Mr. Feener

VOTE: 7-0 all in favor

**80 HIGH STREET** (Map 164, Lot 47)

Gordon Hugenberger to construct a single family home.

Mr. Tom Kehoe, Hancock Associates, representing the applicant, Mr. Hugenberger who is also present.

It was noted that Mike Hale has a series of questions and a letter in this regard was sent to the Agent.

It was noted that the buffer zone was adjusted accordingly.

All members review the plan.

Ms. Ryder stated that she does not see any comments from Mike Hale.

Mr. Kehoe notes that he dropped off the documents personally and submitted 8 copies, hand delivered. Ms. Ryder notes that she has the documents and they are dated 04/11/07.

Mr. Kehoe discussed Mike Hale's comments re: the no work zone, limit of work, limit of silt fence. He notes the step tank. The applicant will notify the GCC regarding the removal and/or pruning as needed. He stated no build, no disturb other than maintenance. The applicant wants to plant blueberry bushes.

Ms. Ryder notes that within the work zone \*\*\*\*\* not to be touched under any circumstances. The regular maintenance needs to be in writing.

Mr. Schenk states that the plan needs to come before the GCC for any revisions or changes.

It was further noted that specs. regarding the step sewer system need to be submitted prior to any construction. An easement sketch was noted being done by a land surveyor regarding the step system. There is a ten foot separation between the sewer and water.

The Engineering Dept. is to be present for an inspection.

Ms. Ryder notes that the land subject to flooding needs to be shown on the plan.

Mr. Gulla stated he did do a drive by the property and has no questions at this time.

Mr. Anderson noted that the comments from the Eng. Dept were good.

Mr. Febiger notes the swales with Mr. Kehoe stating that this is a high level resource area for habitat. He described the flow and rate. He further commented on the bedrock with a cover of soils with lots of runoff in the same direction but at a slower rate and gutters towards the back.

Mr. Socolow had no comments.

Mr. Feener stated he noticed lots of runoff.

Mr. Kehoe noted that it is the same amount of water which can infiltrate slightly and that the water on both sides of the culvert are the same level.

Ms. Ann Jo Jackson had no comments.

Mr. Schenk noted 2 site visits to be done.

The neighbors well was briefly discussed.

There is a concern re: the driveway which has standing ground water during a rainstorm (where the proposed driveway is to be constructed).

It was suggested that some type of culvert be constructed to let water drain through because the lay of the land constitutes a back up. There is also critter migration from one side of the street to the other and back again. Further suggested were markers to be placed at different corners designating no build, no disturb areas.

On site are (2) two small culverts under the driveway which were stated as woefully undersized.

Mr. Schenk states re: the step tank and its placement that running water is observed where Mr. Kehoe states swales will be with this coming from the site and not the road.

Mr. Kehoe states he thought it was coming from the street.

Mr. Schenk notes that it was an overcast but dry day and nothing was coming from the street but it was coming from the site.

Mr. Socolow inquired as to a well and is it being used. Mr. Schenk states it is not in use and is a defunct well. The well is near to the Wetland in the front.

Mr. Kehoe notes his understanding of the flow.

Mr. Febiger notes the culvert under the driveway as being 88 on the plan and at a low point.

Ms. Ryder notes the watershed boundaries.

Mr. Kehoe notes (2) two box culverts with no room for 18 inch culverts.

Ms. Ryder notes that you can redesign using box culverts which would not be filling a low area but would be spanning the area.

Statements were received from: Mr. Dave Brady, Ms. Camille McFadden and Monty.

No DEP comments submitted to date.

**PUBLIC COMMENT:**

Mr. Frank Garrison High Street states that this area is an island surrounded by water and he feels it is very unfortunate that proposed excavation and a septic tank would be placed in that waterway. He really hopes that the placement will be in a different area and feels this is a poor place for the tank as it will disturb the pattern of flow. He feels that the whole place is in the Wetland with the whole property within the boundary of the Wetland.

Ms. Christina Goodwin refers to the possibility of a habitat evaluation in regards to salamanders, frogs and dragon flies, making sure this area is not impacted in a negative way.

Mr. Kehoe notes that the only impervious is the home itself.

Mr. Schenk inquired as to any other location for the step tank to be placed.

Ms. Ryder notes that when Mike reviewed the plan he did not see land subject to flooding on site.

Mr. Kehoe disagreed with the location of the area subject to flooding. He further stated that he can move the step tank and readjust the swales but he does not believe they are in that area is question.

Ms. Goodwin asked what else can be used in the driveway besides gravel.

Mr. Kehoe states that gravel is to be used.

Ms. Ryder notes that gravel is considered impervious.

Mr. Kehoe notes this is not to be done before July as it is prime habitat and prime breeding before that.

R. Hobbs, a Board Member for the Lanesville Community Center feels the step system is not a good idea in relation to flooding. He asks how deep the step pipe will be.

Mr. Kehoe notes that it will be installed as required with a trench for water and sewer lines at an appropriate depth as not to freeze in winter months. The runoff will be the same but with a slower flow.

PUBLIC COMMENT CLOSED

Mr. Schenk inquires with all GCC members as to any comments. No comments.

Ms. Ryder reiterates that the land subject to flooding should be noted on the plan.

Mr. Kehoe states that he will try and relocate the septic tank.

Ms. Ryder notes that he must go back to Mike Hale for further discussion and review.

Mr. Schenk notes that it should go back to the Eng. Dept. after this evening's discussion.

MOTION: Mr. Socolow moves to continue the matter for Eng. review  
to 05/02/07 8:30 PM

SECOND: Mr. Gulla

VOTE: 7-0 all in favor

### **12 RIO DRIVE** (Map 185, Lot 157)

Poole Construction to construct a single family home on pilings with deck, driveway and utilities.

Michael Seacamp representing Mr. Stanley Poole states that CZM is to go to the site regarding the resource area.

Three Coastal Wetland Specialists were noted such as Mr. Stan Humphreys, L.E.C. and a Mr. Peter Rosen, Coastal Geologist along with other 3<sup>rd</sup> parties as well.

Ms. Ryder states that Dr. Rosen was excellent in the past as his specialty is coastal areas and notes that he can be contacted and if he does not feel he is completely qualified re: this project then we can search the other names listed and/or the 3<sup>rd</sup> party list.

PUBLIC COMMENT: none

Ms. Ryder notes all concerns to be sent to Dr. Rosen and he will be contacted. NoI and site plan to be sent with a request for review.

MOTION: Mr. Febiger moves to continue the matter to 05/16/07 8:00 PM

SECOND: Mr. Anderson      VOTE: 7-0 all in favor

**11 JEBEKA LANE** (Map 252, Lot 17)

Deborah Holland to remove existing dock and construct a new dock.

Ms. Ryder notes that this is an improvement over the existing dock and pier.

DEP Chapter 91 and ACEC and completely refusing anything over than what is in place.

PUBLIC COMMENT: none

Ms. Ryder notes that there is no habitat or mitigation plan. She has received periodic emails from Mary Rimmer.

Mr. Gulla states he feels that we are jammed up already with issues and that this one is dragging on.

MOTION: Mr. Gulla moves to have this withdrawn w/o prejudice

SECOND: Mr. Anderson      VOTE: 7-0 all in favor

**51 ROCKY NECK AVENUE** (Map 128, Lot 43) **NEW**

Dennis Senecal requests the Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance to rearrange the float layout.

Mr. Schenk – recused. Ms. Ann Jo Jackson will Chair the meeting at this time.

Mr. Senecal states that this is a reconfiguration of a dock (90 ft.) with an existing two story structure on the property. He states that the docks were reconfigured by an Engineering group. An allowance of 1600 sq. ft of floats allowed in 2004 with this project down to about 1000 sq. ft. The main deck is 14 x 40. He states that he picked up the dock per the Agent.

Ms. Ryder notes the site visit done with Jim and Dave. No comments from Dave Sargent as of yet.

Mr. Socolow asked if corner blocks were in place and Mr. Senecal stated yes.

Mr. Gulla inquired as to the circles on the plan.

Mr. Senecal states that those are the existing pilings that have been there since 2003.

There will no additional pilings as the existing ones will just be pulled back.

Mr. Socolow asked if he had permission from the Harbormaster.

Mr. Senecal stated yes and he can provide a letter to the Commission.

Ms. Ryder notes that (2) two letters are needed to close and Jim and Dave have signed and dated the copy of the plan.

Ms. Ryder further notes that no elevations are on the plan, (no highs and lows). She feels Dave needs to take a look at this.

Ms. Jackson inquired as to blocks being used and Mr. Senecal stated the blocks are 18 inches.

Mr. Anderson inquired as to the DEP and Ms. Ryder notes: DMF and feels Dave should put a letter together.

Mr. Senecal stated in regards to the blocks that they are 18 inches with 2 inch clearance from the water line.

Mr. Gulla feels that Dave needs to inspect this as well.

Mr. Socolow inquired as to Shellfish approval and Ms. Jackson stated that we are waiting for that information.

PUBLIC COMMENT: none

Mr. Socolow notes that the Commission does have written sign offs from Dave or Jim and inquires as to approval under those conditions.

Ms. Ryder notes that no draft has been done as of yet.

MOTION: Mr. Anderson moves to continue the matter to \*\*\*\*\*

SECOND: Mr. Gulla                      VOTE: 6-0 all in favor

**75 ESSEX AVENUE** (Map 217, Lot 23) **NEW**

Cape Ann Marina requests to amend the OoC 28-1686 for a project at 75 Essex Avenue.

Mr. David Smith, Vine Assoc. present for the applicant.

Mr. Andy Dominic, Owner Cape Ann Marina

This is a dredging project at the Marina with the removal of some floats and pilings to get to some locations and the existing fuel dock as well. He states that he wants to reinstall floats and upgrade. He notes on 3/27 he met with the Agent.

The old floats were destroyed and new are floats are proposed. He notes that the benefit of the reconfiguration of the fuel dock is a safety issue regarding boats fueling up as it would be separate. Strong currents would be avoided with the new location and fire apparatus access would improve.

One issue regarding this plan is the working out of the details re: salt marsh and walkways (Chapter 91 regulations), \*\*\*\*\*.

The larger floats will be at the same location but larger and wider. He feels that this will protect the salt marsh. He notes that in improving the fuel system, 2 tanks will be reinstalled that are existing. Part of the reconfiguration plan consists of 5 more guide piles for public access and strong currents. There will be 944 sq. ft. of additional floats from what exists now. In regards to the tanks and temporary impact, a specialist who deals with the placement of underground storage tanks will be called in.

Mr. Socolow asked if the floats were year round and Mr. Dominic stated yes.

Ms. Ryder notes she has no issues or concerns. A site visit was done with Jim and Dave with Ms. Ryder noting their comments. The Agent further noted that the salt marsh repair and bulkhead repair have been proposed for years now and at this point a time line is needed.

Mr. Dominic states that in 25 years he has had to change the fuel system. He feels that if the improvements are not done people will be walking down the docks spilling fuel. He needs to order 24,000 gallons in order for a delivery to be made at the Marina.

He further discussed ethanol in relation to boating and states that marine grade fuel is needed.

Mr. Schenk states to Mr. Dominic that the GCC appreciates the work he is doing at the Marina.

Mr. Gulla inquired as to the parking area and Mr. Smith stated it is a gravel area.

Ms. Jackson asked if the 2 tanks were 8000 or 12,000 gallons and Mr. Smith stated that they are (2) two 8000 gallon tanks.

Mr. Gulla asked if any of the floats ground out and Mr. Smith stated that nothing will ground out as they are not going near the tidal area.

Mr. Smith states that a post dredging survey plan is in the works.

Mr. Anderson asked if Dave Sargent recommended standoffs.

Ms. Ryder states Dave Sargent noted no issues.

Mr. Feener inquired as to the warranty that comes with the tanks and who pays after the warranty has expired.

Ms. Ryder and Mr. Schenk both noted that it is the responsibility of the land owner at that point.

Mr. Anderson notes that DEP or Coastal Zone Management would bill for that if their was a problem.

Mr. Schenk requested a motion with a request for an amendment of OoC and add condition for future work.

Mr. Smith states that he does have dates regarding future work.

Ms. Ryder notes that a new NoI should be filed. She asks the Commission what they would like to do re: MEEPA filing.

Mr. Gulla stated that a year would be good.

**MOTION:** Mr. Gulla moves to approve the plan and continue the matter for signing to  
05/02/07 7:05 PM

**SECOND:** Mr. Anderson **VOTE:** 7-0

It was further noted that Mr. Smith, Vine Assoc. does not need to appear before the GCC for the signing.

### **15 WOLF HILL WAY** (Map 88, Lot 12) **NEW**

This is a hearing to discuss violations that have occurred at 15 Wolf Hill Way.

The Agent notes that there have been a substantial number of complaints from abutters regarding this property. The Agent further notes a channelized stream and water shooting past the catch basins. Mike Hale feels he could work with the developer. Some of the plantings did not take making it more impervious then before. The Agent further states that the site was not done in accordance with what approved by the GCC and what was constructed was not what was approved. There is an increase in pavement, plantings are not surviving and the storm water is a major concern.

David Murphy, applicant, states that he is not asking for a CoC because he is not done yet.

Ms. Ryder notes Condition 37, and states that a lot of the areas for plantings shown on the final plan are now pavement. The driveway has to be graded properly. She further notes that he is diverting all of the flow away from the catch basins and that is not what it is designed to do.

Mr. Murphy states that he will maintain that which has not been done in the past.

Ms. Ryder notes a proposed meeting with herself, Mike Hale and the applicant.

Mr. Murphy states that he doesn't think he has violated anything but will come back to the GCC to address it further.

Mr. Schenk states that the City Engineer, The Agent and the applicant need to arrange a day and time to get together.

Ms. Ryder notes that several concerns are already in writing and not sure what the point of the meeting is as she has nothing else to say.

It was noted that the storm water management is not above the jurisdiction of the GCC.

Mr. Murphy states that he will meet with the City Engineer.

Ms. Ryder states that Mr. Murphy is not in compliance with the submitted plan.

Mr. Schenk states to Mr. Murphy that he has to prove that the site is fully in compliance.

The Agent notes one other issue of extreme flow covering a channel flow.

Mr. Gulla explains part of the process regarding an ongoing project violating environmental issues. If a violation is occurring these issues need to be addressed.

Storm water and erosion need to be addressed fairly quickly.

Mike Hale's plans do not override the final plan that the GCC approved.

The Agent notes that updated documentation from the Eng. Dept. as to the status of critical issues regarding this plan.

MOTION: Ms. Ann Jo Jackson moves to continue the matter to 05/02/07 9:00 PM

SECOND: Mr. Socolow

VOTE: 7-0 all in favor

### **465 R WESTERN AVE**

Two enforcement orders, 1 local, 1 state.

### **209 ESSEX AVE**

Enforcement Order, voted on at the previous meeting.

Mr. W. Manuell re mitigation: the planting of 6 trees and notes location on the plan.

Mr. Gulla inquired as to any recourse re: someone continually filing after the fact.

10:45 PM Mr. Socolow departs the meeting.

Cedarwood and Fenley said they could create a path but the damage is even greater now than at the previous meeting. This would be an Enforcement Order against the City.

The Agent is asking for complete restoration within 2 weeks. She further noted that a stream was completely destroyed.

MOTION: Mr. Gulla moves to approve an Enforcement Order

SECOND: Ms. Ann Jo Jackson

VOTE: 6-0 all in favor

Ms. Ryder has a brief discussion with the Commission regarding her office staff stating that Hannah has resigned and Melissa is leaving as well.

The Agent states she is documenting storm high tides. Anyone can do the documentation which includes the recording of storm damage, high tide and problem areas. She further stated that she can email photos to the Commission.

Mr. Anderson notes a project being done on Essex Ave and Ms. Ryder states that Mr. W. Manuell will be working on that.

### **154 WHEELER STREET**

This is a letter permit request for landscaping. Josh Johnson is working on this.

Ms. Ryder notes that this does not meet the planting plan.

MOTION: Mr. Gulla moves to deny the letter permit  
SECOND: Mr. Anderson      VOTE: 6-0 all in favor

Given to Mr. Febiger for his review was information re: a gas pipeline testing on Forest Lane.

6 Highland Rock Road - Letter Permit - \*\*\*\*\*

**Certificates of Compliance**

**32 Rowley Shore Rd.** Mr. Anderson states that the completed work is ok and further stated that construction material was piled on site.

MOTION: Mr. Febiger moves to approve the CoC.  
SECOND: Mr. Gulla      VOTE: 6-0

**23 Shore Rd. –** Ms. Ryder notes that she has no issues.

MOTION: Mr. Febiger moves to approve the CoC.  
SECOND: Mr. Gulla      VOTE: 6-0

**33 River Rd. –**

MOTION: Mr. Febiger moves to deny  
SECOND: Mr. Feener      VOTE: 6-0

**120 R Wheeler Street** – Mr. Anderson states this is ok. Tabled at present.

**614 Western Ave.** – The Agent recommends approval of this to the Commission.

MOTION: Mr. Febiger moves to approve  
SECOND: Mr. Gulla      VOTE: 6-0 all in favor

**2 Riverside Road** – The Agent notes that this is not where it should be in relation to compliance.

MOTION: Mr. Febiger moves to deny the CoC  
SECOND: Mr. Feener      VOTE: 6-0 all in favor

**147 ESSEX AVENUE – (now 23 LePage Lane)** Request for an extension permit.  
A discussion was had regarding condo to apartment conversion.

**27 KONGLIN ROAD -** DEP overrode the decision by the GCC. The Agent has asked for a judicial review.

**Other Commission Business**

Ms. Ryder notes meeting in Wilmington, MA on May 1, 2007 from 2:30 to 4:00 PM regarding DEP Wetland Regulations.

Cape Ann Vernal Pond Team – no reports – weather has been a factor.

Newbury Town Hall – Great Marsh Restoration Meeting



A reminder that Earth Day is this coming Saturday.

The Agent notes a 3 hour long session she attended in regards to the Water Quality Certification.

There was a discussion regarding Vernal Pool Genetic Survivability. Vernal pools in the work zone were discussed as well. Information based on reading and seminars will be sent in the form of packets to each member of the GCC.

Mr. Anderson submits copies of a letter he wrote to each member of the Commission in direct relation to the decision he made regarding the Bass Avenue plan.

MOTION: Mr. Gulla moves to adjourn the meeting of the Gloucester Conservation Commission.

SECOND: Mr. Feener      VOTE: 6-0 all in favor

Respectfully submitted,  
Carol Gray  
Recording Clerk